

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
)	
v.)	CASE NO. 2:06cr275
)	
)	
JACOB WARNER.)	

MOTION FOR PERMISSION TO WITHDRAW AS COUNSEL FOR THE DEFENDANT

COMES NOW William R. Blanchard, court-appointed defense counsel for the Defendant, Jacob Warner, and shows unto the Court as follows:

1. The undersigned was appointed to represent Defendant Jacob Warner in the above styled and numbered case on or about November 28, 2006. Counsel was aware, and so informed the Court, that he had for a number of years represented the Defendant as his court-appointed Guardian Ad Litem in the Montgomery County Juvenile Court. At that time, prior to receipt and review of any discovery materials, the undersigned was unaware of any potential for conflict.
2. It has now become apparent that the Defendant's sister, Bernetta Willis, is also involved in this case. Apparently, she has been separately indicted in this District for the same or similar crimes. Unfortunately, the undersigned represented as Guardian Ad Litem not only Jacob Warner, but also his sisters, Bernetta Willis and Lakeyta Warner, and is in possession of substantial amounts of confidential information about both of them.

3. The undersigned is concerned that a serious conflict of interests could arise in at least two (2) possible scenarios: (1) If the Defendant were given the opportunity to plea bargain by proffering information about and/or testifying against Bernetta Willis during some phase of her case; and/or (2) if Bernetta Willis were to decide to cooperate with the Government against the Defendant at his trial, compelling the undersigned to cross-examine her. In the first scenario, counsel would be placed in the position of knowing that in order to assist and represent his present client (Warner) he would have to become adverse to a former client (Willis). In the second scenario, undersigned counsel, being in possession of substantial confidential information about Bernetta Willis gained during his representation of her as Guardian Ad Litem, would be compelled to cross examine her.
4. The undersigned believes that his continued representation of the Defendant in this case may possibly lead to a violation of Rules 1.6(a), 1.7(b), 1.9(a) and (b), and/or 1.16 (a)(1) of the *Alabama Rules of Professional Conduct*.

WHEREFORE, the above premises considered, undersigned appointed counsel for Jacob Warner moves for permission to withdraw, and moves that substitute counsel be appointed to represent the Defendant.

RESPECTFULLY SUBMITTED on this 30th day of March 2007.

s/ William R. Blanchard (BLA029)

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CERTIFICATE OF SERVICE

I, William R. Blanchard, hereby certify that on March 30, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: AUSA Chris Snyder, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: n/a.

Respectfully submitted,

s/ William R. Blanchard (BLA029)

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